

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Tomato Marketing (Amendment) (No. 2) (Guernsey) Law, 1960

(Registered on the Records of the Island of Guernsey
on the 22nd day of November, 1960.)



1960.

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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of November, 1960, before William Henry Arnold, Esquire, C.B.E., Bailiff; present :—Sir John Leale, William Robert Freaque Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavay, Esquires, and Gilbert Carey de Jersey, Esquire, C.B., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 26th day of October, 1960, ratifying a *Projet de Loi* entitled "The Tomato Marketing (Amendment) (No. 2) (Guernsey) Law, 1960",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace,

The 26th day of October, 1960.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. WOOD

MR. WATKINSON

MR. BEVINS

SIR TERENCE DONOVAN

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th day of October, 1960, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘ 1. That, in pursuance of their Resolution of the 30th day of December, 1959, the States of Deliberation at a meeting held on the 12th day of October, 1960, approved a Bill or “Projet de Loi” entitled “The Tomato Marketing (Amendment) (No. 2) (Guernsey) Law, 1960” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States

of Guernsey entitled "The Tomato Marketing (Amendment) (No. 2) (Guernsey) Law, 1960" and to order that the same shall have the force of law in the Island of Guernsey.'

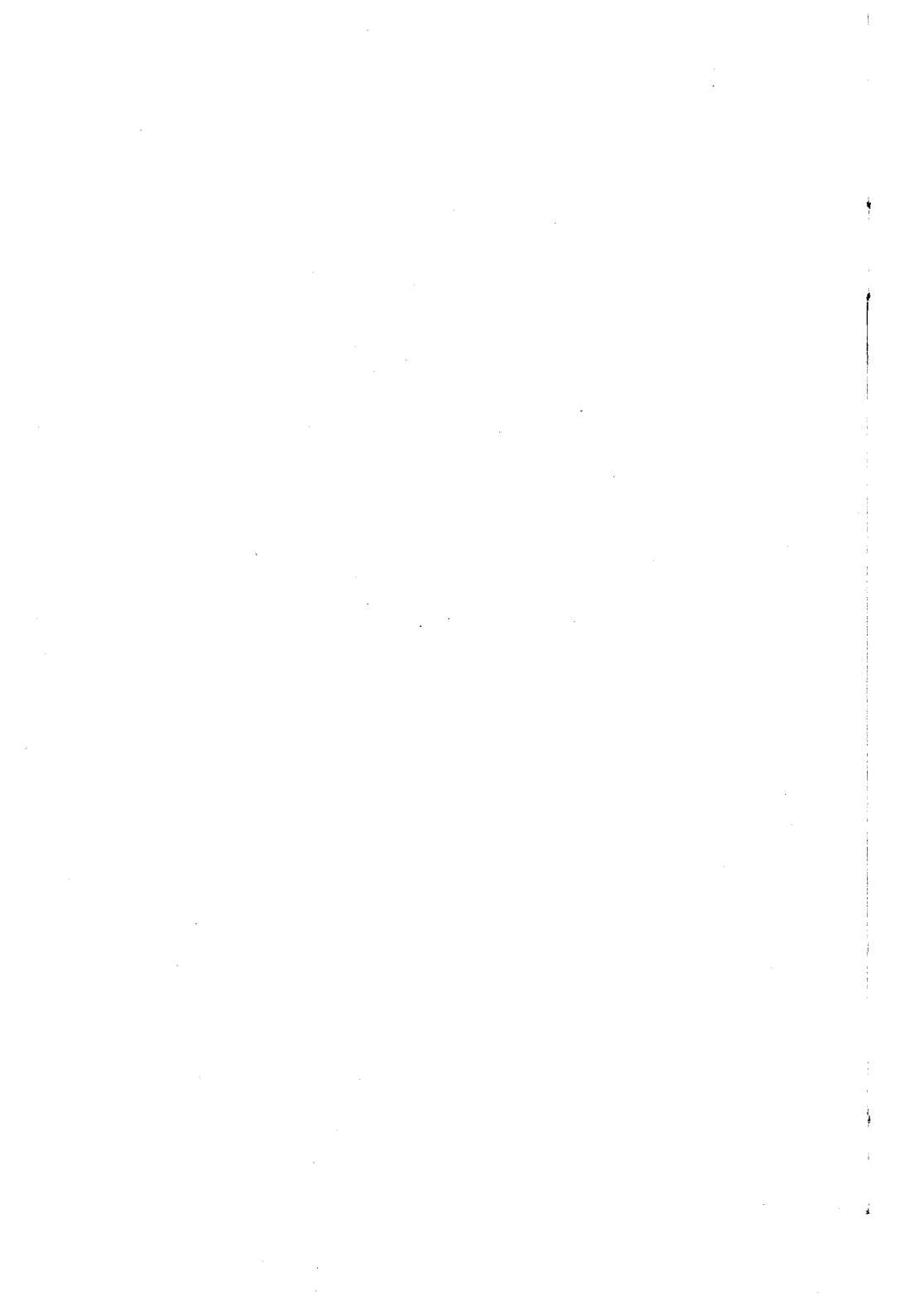
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, of the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.



**Projet de Loi referred to in the foregoing
Order in Council**

PROJET DE LOI

ENTITLED

**The Tomato Marketing (Amendment)
(No. 2) (Guernsey) Law, 1960**

THE STATES, in pursuance of their Resolution of the thirtieth day of December, nineteen hundred and fifty-nine, have approved the following provisions, which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) Notwithstanding anything in the Tomato Marketing (Guernsey) Law, 1952 (hereinafter referred to as "the principal Law") the Board may, during the period in which this Law is in force, in respect of any season, put into operation a method of exporting and marketing whereby—

- (a) the tomatoes of registered producers whose applications to participate in the Scheme have been accepted by the Board are exported and marketed in accordance with the Scheme; and
- (b) all other tomatoes are bulked and are consigned to such destinations and persons as may from time to time be selected by the Board in its absolute discretion and the amount attributable to a producer in respect of his tomatoes of a particular grade exported by the Board on a particular day or during a particular period is determined by reference to the average price realised in

respect of all tomatoes of that grade, other than tomatoes exported in pursuance of the provisions of paragraph (a) of this subsection, exported by the Board on that day or during that period:

PROVIDED that the tomatoes exported in pursuance of the provisions of paragraph (a) of this subsection shall not exceed twenty-five per centum by weight of the Board's estimate of the total production of tomatoes for export in such season.

(2) Tomatoes delivered to the Board in pursuance of the provisions of paragraph (b) of subsection (1) of this section shall be graded in such manner as the States Committee for Horticulture (hereinafter referred to as "the Committee") may, from time to time, by order prescribe for the purposes of putting into operation a method of exporting and marketing whereby the amount attributable to a producer in respect of his tomatoes of a particular grade exported by the Board on a particular day or during a particular period is determined by reference to the average price realised in respect of tomatoes of that grade exported by the Board on that day or during that period.

2. The Board may, from time to time, by notice in "La Gazette Officielle"—

(a) modify the Scheme, or

(b) suspend the operation of the Scheme for such period as it may determine,

if, in its opinion, such modification or suspension is in the interest of registered producers taking part in the Scheme or if, in its opinion, such suspension would be in the interest of registered producers generally.

3. The States may, at any time, by Ordinance, direct that, on such day as may be specified therein, the provisions of this Law shall cease to have effect.

4. During the continuance in force of this Law no postal ballot shall be taken or may be demanded under the provisions of section two of the principal Law to determine whether or not the Board shall operate the compulsory bulk method of export.

5. For the purposes of this Law the following expressions have the meanings hereby respectively assigned to them:—

“season” means a period commencing on the first day of March in any year and ending on the last day of February in the year next following;

“the Scheme” means the Scheme set out in the Schedule to this Law.

6. (1) This Law may be cited as the Tomato Marketing (Amendment) (No. 2) (Guernsey) Law, 1960.

(2) Section two of the Tomato Marketing (Amendment) (Guernsey) Law, 1960, is hereby repealed.

(3) This Law, the Tomato Marketing (Amendment) (Guernsey) Law, 1960, and the Tomato Marketing (Guernsey) Laws, 1952 and 1955, shall be construed as one and may be cited together as the Tomato Marketing (Guernsey) Laws, 1952 to 1960.

7. Subject to the provisions of section three of this Law, this Law shall cease to have effect on the twenty-eighth day of February, nineteen hundred and sixty-six.

SCHEDULE

The Scheme

1. (1) The Board shall by notice in "La Gazette Officielle" invite applications from registered producers who desire that the Board should export and market their tomatoes in accordance with the provisions of the Scheme.

(2) The Board shall invite applications as aforesaid for the purposes of the first season during which it proposes to operate the Scheme which applications shall be delivered to the Board on or before the first day of December in the previous year or on such day thereafter as the Committee may by order appoint in that behalf and as respects any subsequent season on or before such day prior to putting the Scheme into operation in any year as the Board deems fit, of which day reasonable notice shall be given by the Board in "La Gazette Officielle" to registered producers.

2. (1) Any registered producer who desires that his tomatoes should be exported and marketed by the Board in accordance with the provisions of the Scheme shall make application in that behalf to the Board and such application shall be in such form and shall be accompanied by such particulars as the Board may require.

(2) A registered producer shall furnish to the Board such further information in relation to any application made by him under sub-paragraph (1) of this paragraph as the Board may, from time to time, require.

3. (1) If, in the opinion of the Board, the estimated production of tomatoes for export of all the applicants who wish to have their tomatoes exported and

marketed in accordance with the provisions of the Scheme does not exceed fifteen per centum of the Board's estimate of the total production of tomatoes for export of all registered producers or such other percentage thereof not exceeding twenty-five per centum as the Board shall, from time to time, determine, as the case may be, all the applicants shall be permitted to deliver their tomatoes to the Board for export and marketing in accordance with the provisions of the Scheme.

(2) If, in the opinion of the Board, the estimated production of tomatoes for export of all the applicants who wish to have their tomatoes exported and marketed in accordance with the provisions of the Scheme does exceed fifteen per centum of the Board's estimate of the total production of tomatoes for export of all registered producers or such other percentage determined by the Board as aforesaid, the Board shall, by ballot, in such manner as it may determine, select from amongst the applicants registered producers whose combined production of tomatoes for export will, in the opinion of the Board, not amount to more than fifteen per centum or such other percentage determined by the Board as aforesaid, as the case may be, of the Board's estimate of the total production of tomatoes for export of all registered producers.

(3) For the purposes of the ballot as aforesaid the applicants shall be divided into three groups, each group representing an estimated production of tomatoes for export of or as near as may be to one third of the total estimated production of tomatoes for export of all the applicants; there shall be selected and placed in the first of such groups such registered producers as, in the opinion of the Board, and taking into account their production of tomatoes for export in the previous year, will be likely to be the registered producers who will contribute the largest individual

crops by weight towards the one third of the total estimated production of tomatoes for export of all the applicants; in the second of such groups there shall be selected and placed such registered producers as, in the opinion of the Board, and taking into account their production of tomatoes for export in the previous year, will be likely to be the registered producers who will contribute the smallest individual crops by weight towards the one third of the total estimated production of tomatoes for export of all the applicants; and in the third of such groups there shall be selected and placed the remainder of the registered producers who are applicants.

(4) The Board shall, by ballot, select in such manner as it may determine from each group such number of registered producers as represent as nearly as may be one third of fifteen per centum of the Board's estimate of the total production of tomatoes for export of all registered producers or one third of such other percentage determined by the Board as aforesaid, as the case may be.

4. The Board shall export and market the tomatoes of—

- (a) all registered producers selected by a ballot held in pursuance of the provisions of the last preceding paragraph, or
- (b) where a ballot has not been held in pursuance of the provisions of the last preceding paragraph, all registered producers who made application under the provisions of paragraph two hereof,

in accordance with the provisions of the Scheme.

5. (1) Every registered producer to whom the last preceding paragraph refers shall, in any season during

which the Board is required to export and market his tomatoes in accordance with the provisions of the Scheme, deliver all the tomatoes which he intends to export to the Board for export and marketing in accordance with the provisions of the Scheme and there shall be marked or affixed by every such registered producer on the exterior of every container containing tomatoes so sent the name of such registered producer.

(2) At any time in any season during which the Board is required to export and market the tomatoes of a registered producer to whom paragraph four hereof refers the Board may exempt that registered producer from the requirements of the last preceding sub-paragraph and that registered producer shall, during the remainder of that season, send all his tomatoes to the Board for export and marketing in accordance with the provisions of paragraph (b) of subsection (1) of section one of this Law.

(3) Subject to the provisions of the last preceding sub-paragraph, a registered producer to whom paragraph four hereof refers who, in any season during which the Board is required to export and market his tomatoes in accordance with the provisions of the Scheme, sends any of his tomatoes for export and marketing otherwise than in accordance with the provisions of the Scheme shall not be entitled to have any of his tomatoes during the remainder of that season exported and marketed by the Board in accordance with the provisions of the Scheme and the Board shall not be required so to export and market his tomatoes during the remainder of that season.

6. The Board shall determine the persons to whom each registered producer's tomatoes exported and marketed in accordance with the provisions of the Scheme shall be sent and in so doing the Board shall

have regard to the preference of each registered producer and the information supplied to the Board when that producer applied for his tomatoes to be exported and marketed in accordance with the provisions of the Scheme, save that during such period at the beginning of any season as the Board may determine tomatoes shall be sent to such markets where there is a demand for early tomatoes and where prices are, in the opinion of the Board, most beneficial.

7. (1) During the continuance in force of this Law and notwithstanding the provisions of section four of the principal Law, the Board may—

(a) raise a levy for the purposes of transport charges in respect of tomatoes exported in pursuance of the provisions of paragraph (b) of subsection (1) of section one of this Law; and

(b) raise a levy in respect of all tomatoes delivered to the Board for exporting and marketing for the general purposes of the Board.

(2) Registered producers whose tomatoes are exported and marketed by the Board in pursuance of the provisions of paragraph (b) of subsection (1) of section one of this Law shall pay both levies raised under the provisions of the last preceding sub-paragraph and registered producers whose tomatoes are exported and marketed by the Board in accordance with the provisions of the Scheme shall pay the levy raised by the Board under the provisions of item (b) of the last preceding sub-paragraph.

(3) The Board may, in addition to the levy raised under the provisions of item (b) of sub-paragraph (1) of this paragraph, charge to each registered producer

whose tomatoes are exported and marketed in accordance with the provisions of the Scheme—

- (a) the expenses of transporting and handling those tomatoes; and
- (b) such other expenses attributable to the export and marketing of those tomatoes which cannot, in the opinion of the Board, be properly met out of the proceeds of the levy raised for the general purposes of the Board; and
- (c) the keeping of accounts relating to those tomatoes;

which charge may be either deducted from the proceeds received by the Board for a registered producer's tomatoes so exported and marketed or recovered as a civil debt.

8. If, in respect of any season after the first season during which the Board puts the Scheme into operation, the Board determines that a percentage other than fifteen per centum of the Board's estimate of the total production of tomatoes for export may be delivered to the Board for exporting and marketing in accordance with the provisions of the Scheme the Board shall, before inviting applications in respect of that season, give reasonable notice in "La Gazette Officielle" of such percentage to registered producers.

9. (1) In each season after the first season in which the Board has put the Scheme into operation any person whose tomatoes were exported and marketed by the Board in accordance with the provisions of the Scheme throughout the previous season or such part thereof as the Scheme was in operation and who has made application to the Board in pursuance of the provisions of paragraph two hereof shall be entitled to have his tomatoes so exported and marketed and shall be entitled to have his tomatoes sent to the same persons as in the previous season.

(2) If, in any season after the first season, in the opinion of the Board, the estimated production of tomatoes for export of all the applicants who wish to have their tomatoes exported and marketed in accordance with the provisions of the Scheme in pursuance of the provisions of the last preceding subparagraph does not exceed fifteen per centum of the Board's estimate of the total production of tomatoes for export of all the registered producers or such other percentage as may be determined by the Board, the Board shall hold a ballot as nearly as may be in accordance with the provisions of paragraph three hereof to determine which further registered producers in that season may have their tomatoes exported and marketed by the Board in accordance with the provisions of the Scheme.

(3) If, in any season after the first season, in the opinion of the Board, the estimated production of tomatoes for export of all the applicants who wish to have their tomatoes exported and marketed in accordance with the provisions of the Scheme in pursuance of the provisions of subparagraph (1) of this paragraph exceeds fifteen per centum of the Board's estimate of the total production of tomatoes for export of all the registered producers or such other percentage as may be determined by the Board, the Board shall hold a ballot as nearly as may be in accordance with the provisions of paragraph three hereof to determine which registered producers from among those entitled to have their tomatoes exported and marketed in accordance with the provisions of the Scheme in pursuance of the provisions of subparagraph (1) of this paragraph may have their tomatoes so exported and marketed by the Board.

R. H. VIDELO,

Her Majesty's Greffier.